

SHB 2414 - H AMD 1060

By Representatives Johnson and O'Brien

1 On page 5, line 3, after "nuisance" strike "or" and insert ","

2

3 On page 5, line 4, after "nuisance" insert ", or the owner was not  
4 provided adequate notice under RCW 59.18.075 of the occurrence of a  
5 criminal street gang-related offense at the rental unit"

6

7 On page 7, after line 10, insert the following:

8 "Sec. 14. RCW 59.18.075 and 1992 c 38 s 4 are each amended to  
9 read as follows:

10 (1) Any law enforcement agency which seizes a legend drug pursuant  
11 to a violation of chapter 69.41 RCW, a controlled substance pursuant  
12 to a violation of chapter 69.50 RCW, or an imitation controlled  
13 substance pursuant to a violation of chapter 69.52 RCW, shall make a  
14 reasonable attempt to discover the identity of the landlord and shall  
15 notify the landlord in writing, at the last address listed in the  
16 property tax records and at any other address known to the law  
17 enforcement agency, of the seizure and the location of the seizure of  
18 the illegal drugs or substances.

19 (2) Any law enforcement agency which arrests a tenant for  
20 threatening another tenant with a firearm or other deadly weapon, or  
21 for some other unlawful use of a firearm or other deadly weapon on the  
22 rental premises, or for physically assaulting another person on the  
23 rental premises, shall make a reasonable attempt to discover the  
24 identity of the landlord and notify the landlord about the arrest in  
25 writing, at the last address listed in the property tax records and at  
26 any other address known to the law enforcement agency.

27

1       (3)(a) A law enforcement agency that has found that a tenant or  
2 other occupant of a rental unit has committed a criminal street gang-  
3 related offense as defined in RCW 9.94A.030 or that has been called to  
4 a rental premises to investigate a criminal street gang-related  
5 offense shall make a reasonable attempt to discover the identity of  
6 the landlord and notify the landlord in writing, at the last address  
7 listed in the property tax records and at any other address known to  
8 the law enforcement agency, of the criminal street gang-related  
9 offense on the rental premises.

10       (b) For the purposes of this subsection, the law enforcement  
11 agency shall include the following information with the notice:

12       (i) The name of the tenant and the individual or individuals who  
13 were involved in the criminal street gang-related offense;

14       (ii) The rental unit where the incident occurred;

15       (iii) The date of the incident;

16       (iv) Actions taken by the law enforcement agency in response to  
17 the incident;

18       (v) A statement outlining the authority of a landlord under  
19 chapter 59.12 RCW to commence an unlawful detainer action against a  
20 tenant who has committed or permitted gang-related activity at the  
21 premises; and

22       (vi) Penalties the landlord may face for failure to abate a  
23 nuisance."

24  
25       Renumber the remaining sections consecutively and correct any  
26 internal references accordingly. Correct the title.

27  
28  
**EFFECT:** Provides an alternate ground for a court to decline to  
enter an abatement order where the landlord was not provided  
adequate notice by law enforcement of a criminal street gang-  
related offense that occurred at the rental unit.

Amends the Residential Landlord-Tenant Act to require a law  
enforcement agency that has found that a tenant or occupant  
committed a criminal street gang-related offense or that has

investigated such an offense on a rental property to make a reasonable attempt to notify the landlord of the offense.

Requires that notice of the offense include: the identity of the individuals involved, the location and date of the offense, actions taken by law enforcement in response to the incident, a statement regarding the landlord's authority to evict a tenant for gang-related activity, and penalties for failure to abate a nuisance.

--- END ---